



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB2879

Introduced 2/22/2011, by Rep. William Davis

#### SYNOPSIS AS INTRODUCED:

505 ILCS 80/6	from Ch. 5, par. 55.6
505 ILCS 80/6a	from Ch. 5, par. 55.6a
505 ILCS 80/6b	from Ch. 5, par. 55.6b

Amends the Illinois Fertilizer Act of 1961. Provides that inspection fees for all commercial fertilizers and custom mixes shall be \$1 per ton (up from 25¢ per ton). Provides that seven-eighths (up from one-half) of the \$1 per ton inspection fee shall be paid into the Fertilizer Control Fund. Provides that not less than 50% of the funds appropriated to the fertilizer research and education program shall be used for projects designed to avoid or reduce water pollution that may arise from the use of fertilizer in agriculture. Increases the Fertilizer Research and Education Council members to 15 (up from 9) and provides qualifications for the additional members. Makes other changes. Effective January 1, 2012.

LRB097 08244 CEL 48370 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning agriculture.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Fertilizer Act of 1961 is amended  
5 by changing Sections 6, 6a, and 6b as follows:

6 (505 ILCS 80/6) (from Ch. 5, par. 55.6)

7 Sec. 6. Inspection fees.

8 (a) There shall be paid to the Director for all commercial  
9 fertilizers or custom mix distributed in this State an  
10 inspection fee at the rate of \$1 ~~25¢~~ per ton. Sales to  
11 manufacturers or exchanges between them are hereby exempted  
12 from the inspection fee.

13 On individual packages of commercial or custom mix or  
14 specialty fertilizers containing 5 pounds or less, or if in  
15 liquid form containers of 4,000 cubic centimeters or less,  
16 there shall be paid instead of the \$1 ~~25¢~~ per ton inspection  
17 fee, an annual inspection fee of \$1 ~~\$25~~ for each grade within a  
18 brand sold or distributed. Where a person sells commercial or  
19 custom mix or specialty fertilizers in packages of 5 pounds or  
20 less, or 4,000 cubic centimeters or less if in liquid form, and  
21 also sells in larger packages than 5 pounds or liquid  
22 containers larger than 4,000 cubic centimeters, this annual  
23 inspection fee of \$1 ~~\$25~~ applies only to that portion sold in

1 packages of 5 pounds or less or 4,000 cubic centimeters or  
2 less, and that portion sold in larger packages or containers  
3 shall be subject to the same inspection fee of \$1 25¢ per ton  
4 as provided in this Act. The increased fees shall be effective  
5 after January 1, 2012 ~~June 30, 1989~~.

6 (b) Every person who distributes a commercial fertilizer or  
7 custom mix in this State shall file with the Director, on forms  
8 furnished by the Director, a semi-annual statement for the  
9 periods ending June 30 and December 31, setting forth the  
10 number of net tons of each grade of commercial fertilizers  
11 within a brand or the net tons of custom mix distributed. The  
12 report shall be due on or before the 15th day of the month  
13 following the close of each semi-annual period and upon the  
14 statement shall pay the inspection fee at the rate stated in  
15 paragraph (a) of this Section.

16 Seven-eighths ~~One-half~~ of the \$1 25¢ per ton inspection fee  
17 shall be paid into the Fertilizer Control Fund and all other  
18 fees collected under this Section shall be paid into the State  
19 treasury.

20 If the tonnage report is not filed and the payment of  
21 inspection fee is not made within 30 days after the end of the  
22 semi-annual period, a collection fee amounting to 10% (minimum  
23 \$10) of the amount shall be assessed against the registrant.  
24 The amount of fees due shall constitute a debt and become the  
25 basis of a judgment against the registrant. Upon the written  
26 request to the Director additional time may be granted past the

1 normal date of filing the semi-annual statement.

2 When more than one person is involved in the distribution  
3 of a commercial fertilizer, the last registrant who distributes  
4 to the non-registrant (dealer or consumer) is responsible for  
5 reporting the tonnage and paying the inspection fee.

6 (Source: P.A. 93-32, eff. 7-1-03.)

7 (505 ILCS 80/6a) (from Ch. 5, par. 55.6a)

8 Sec. 6a. The Department is hereby authorized to establish a  
9 program and expend appropriations for a fertilizer research and  
10 education program dealing with the relationship of fertilizer  
11 use to soil management, soil fertility, plant nutrition  
12 problems, and for research on environmental concerns which may  
13 be related to fertilizer usage; for the dissemination of the  
14 results of such research; for projects to reduce or avoid water  
15 pollution that may arise from use of fertilizer; and for other  
16 designated activities including educational programs to  
17 promote the correct and effective usage of fertilizer  
18 materials. Not less than 50% of the funds shall be used for  
19 projects designed to avoid or reduce water pollution that may  
20 arise from the use of fertilizer in agriculture.

21 To assist in the development and administration of the  
22 fertilizer research and education program, the Director is  
23 authorized to establish a Fertilizer Research and Education  
24 Council consisting of 15 ~~9~~ persons. This council shall be  
25 comprised of 3 persons representing the fertilizer industry, 3

1 persons representing crop production, 3 persons representing  
2 soil and water conservation districts, 3 persons representing  
3 environmental organizations that work on avoiding or reducing  
4 water pollution caused by the use of agricultural fertilizer,  
5 and 2 persons representing the public at large. In the  
6 appointment of persons to the council, the Director shall  
7 consult with representative persons and recognized  
8 organizations in the respective fields concerning such  
9 appointments. The Director or his representative from the  
10 Department shall act as chairman of the council. The Director  
11 shall call meetings thereof from time to time or when requested  
12 by 3 or more appointed members of the council.

13 The responsibilities of the Fertilizer Research and  
14 Education Council are to:

15 (a) solicit research and education projects consistent  
16 with the scope of the established fertilizer research and  
17 education program;

18 (b) review and arrange for peer review of all research  
19 proposals for scientific merit and methods, and review or  
20 arrange for the review of all proposals for their merit,  
21 objective, methods and procedures;

22 (b-5) solicit and provide grants for projects to avoid  
23 or reduce water pollution from agricultural use of  
24 fertilizer and review the scientific merit and  
25 cost-effectiveness of proposed projects;

26 (c) evaluate the proposed budget for the projects and

1 make recommendations as necessary; and

2 (d) monitor the progress of projects and report at  
3 least once each 6 months on each project's accomplishments  
4 to the Director and Board of Agricultural Advisors.

5 The Fertilizer Research and Education Council shall at  
6 least annually recommend projects to be approved and funded  
7 including recommendations on continuation or cancellation of  
8 authorized and ongoing projects to the Board of Agricultural  
9 Advisors, which is created in Section 5-525 of the Departments  
10 of State Government Law (20 ILCS 5/5-525). The Board of  
11 Agricultural Advisors shall review the proposed projects and  
12 recommendations of the Fertilizer Research and Education  
13 Council and recommend to the Director what projects shall be  
14 approved and their priority. In the case of authorized and  
15 ongoing projects, the Board of Agricultural Advisors shall  
16 recommend to the Director the continuation or cancellation of  
17 such projects.

18 When the Director, the Board of Agricultural Advisors, and  
19 the Fertilizer Research and Education Council approve a project  
20 and subject to available funds deposited into the Fertilizer  
21 Control Fund ~~appropriations~~, the Director shall grant funds to  
22 the person originating the proposal.

23 (Source: P.A. 91-239, eff. 1-1-00.)

24 (505 ILCS 80/6b) (from Ch. 5, par. 55.6b)

25 Sec. 6b. The amount annually deposited in the Fertilizer

1 Control Fund shall be appropriated for the operation of the  
2 Fertilizer Research and Education Program. Funds deposited  
3 into the Fund for the Fertilizer Research and Education Program  
4 shall not be subject to transfer to the General Revenue Fund.

5 These moneys shall be used for expenses consistent with  
6 carrying out the purpose and intent of the program, which  
7 include council expenses, peer review, and contracts to persons  
8 for research or education projects and costs associated with  
9 general operating expenses, such as administrative support,  
10 travel, commodities, and printing. The Department shall  
11 receive 3% of the annual amount deposited in the Fertilizer  
12 Control Fund.

13 (Source: P.A. 91-754, eff. 7-1-00.)

14 Section 99. Effective date. This Act takes effect January  
15 1, 2012.